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10 Attorneys for Defendant
SAMSUNG ELECTRONICS CO., LTD.,
11 SAMSUNG ELECTRONICS AMERICA, INC., and
SAMSUNG TELECOMMUNICATIONS AMERICA LP
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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17
18 ZOLTAR SATELLITE ALARM SYSTEMS,
INC.

19 Plaintiff,

20 v.

21 LG ELECTRONICS MOBILE
22 COMMUNICATIONS CO., ET AL,

23 Defendant.

CIVIL ACTION NO. 5:06-CV-00044 JW

24 **STIPULATION AND [PROPOSED]**
ORDER RE (1) DISMISSAL OF
SAMSUNG ELECTRONICS
AMERICA, INC. AND (2)
MODIFICATION OF SCHEDULE
OF RESPONSIVE PLEADINGS OF
SAMSUNG ELECTRONICS CO.,
LTD. AND SAMSUNG
TELECOMMUNICATIONS
AMERICA LP

1 Plaintiff ZOLTAR SATELLITE ALARM SYSTEMS, INC. (“Zoltar”), and
2 Defendants SAMSUNG ELECTRONICS CO., LTD. (“SEC”), SAMSUNG
3 ELECTRONICS AMERICA, INC. (“SEA”) and SAMSUNG TELECOMMUNICATIONS
4 AMERICA LP (“STA”) (collectively “Samsung”), by and through their respective counsel,
5 hereby stipulate and agree as follows:

6 **(1) Dismissal of Samsung Electronics America, Inc.**

7 Based upon SEA’s representation that it has no involvement in the manufacture,
8 sales, or service of cellular phones or cellular phone systems, Zoltar agrees to dismiss
9 without prejudice all claims in this action against SEA. SEA agrees that Zoltar may add
10 SEA as a defendant in the above-entitled action in the event that Zoltar discovers facts
11 indicating that SEA does have involvement in the manufacture, sales, or service of cellular
12 phones or cellular phone systems, without prejudice to SEA’s right to bring an appropriate
13 motion to adjudicate that SEA has no liability for the claims alleged in this action.

14 **(2) Modification of the Schedule for Responsive Pleadings by Samsung**
15 **Electronics Co., Ltd. and Samsung Telecommunications America LP**

16 The parties acknowledge the following facts:

17 (a) STA was served with Zoltar’s First Amended Complaint on March 22,
18 2007.

19 (b) STA and Zoltar stipulated and agreed that STA would be given an
20 additional 30 days to file a responsive pleading, to May 11, 2007, which
21 stipulation and proposed order was executed by the Court on April 9, 2007
22 (Dkt. No. 116).

23 (c) SEC and Zoltar stipulated and agreed that Zoltar’s First Amended
24 Complaint would be deemed served on April 23, 2007 and that SEC would
25 have 90 days from the date of service of the First Amended Complaint to file
26 a responsive pleading, to July 23, 2007, which stipulation and proposed order
27 was executed by the Court on April 24, 2007 (Dkt. No. 152).

28 To achieve a more efficient schedule for the parties and the Court, the parties have

1 agreed to modify the aforementioned schedule of responsive pleadings, such that the
2 responsive pleadings of both SEC and STA will be filed on the same date. Specifically, the
3 parties have agreed that SEC and STA shall file their responsive pleadings by 60 days after
4 the date of service of the First Amended Complaint on SEC, June 23, 2007.

5 Zoltar and Samsung jointly request that the Court issue its Order based on the
6 foregoing Stipulation.

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8 IT IS SO STIPULATED.

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10 DATED: May 7, 2007

HELLER EHRMAN LLP

11 By /s/ Michael K. Plimack
12 MICHAEL K. PLIMACK
13 Attorneys for Defendants
14 SAMSUNG ELECTRONICS CO., LTD.,
15 SAMSUNG ELECTRONICS AMERICA,
16 INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA LLC

17 DATED: May 7, 2007

GIRARDI & REESE

18 By /s/ Howard B. Miller
19 HOWARD B. MILLER
20 Attorneys for Plaintiff
21 ZOLTAR SATELLITE ALARM SYSTEMS,
22 INC.

23 **ORDER**

24 The foregoing Stipulation between Plaintiff ZOLTAR SATELLITE ALARM
25 SYSTEMS, INC. ("Zoltar"), and Defendants SAMSUNG ELECTRONICS CO., LTD.
26 ("SEC"), SAMSUNG ELECTRONICS AMERICA, INC. ("SEA") and SAMSUNG
27 TELECOMMUNICATIONS AMERICA LLC ("STA") (collectively "Samsung") for an
28 order dismissing SEA based upon SEA's representation that it has no involvement in the

1 manufacture, sales, or service of cellular phones or cellular phone systems having been
2 received by the Court, and duly considered, AND GOOD CAUSE APPEARING
3 THEREFOR,

4 IT IS HEREBY ORDERED:

5 (1) All claims in this action against SEA are hereby dismissed without prejudice.

6 Zoltar may add SEA as a defendant in the above-entitled action in the event that
7 Zoltar discovers facts indicating that SEA does have involvement in the
8 manufacture, sales, or service of cellular phones or cellular phone systems,
9 without prejudice to SEA's right to bring an appropriate motion to adjudicate that
10 SEA has no liability for the claims alleged in this action.

11 (2) SEC and STA shall file their responsive pleadings by June 23, 2007.

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13 DATED: May 10 2007

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15 THE HON. JAMES WARE
16 UNITED STATES DISTRICT JUDGE
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